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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,612	09/22/2000	G. Victor Guyan	07752.0021	1862

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EXAMINER

BASHORE, ALAIN L

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,612

Applicant(s)

GUYAN ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-17,19-31 and 33-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-17, 19-31 and 33-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-17-02 (after-final) would normally be automatically entered.

Since applicant has submitted a copy of the 5-17-02 amendment, the copy will be treated as a supplemental amendment accompanying the request and the previous after-final will stay as not entered.

Specification

2. The disclosure is objected to because of the following informalities:

a. page one of the specification refers to U.S. patent applications without specifying serial numbers and filing dates;

b. the use of the trademarks such as WINDOWS 2000 are noted in this application. All trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to

prevent their use in any manner that might adversely affect their validity as trademarks.

Please properly describe all trademarks in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 5, 15, 19, 29, 33, 44, 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation to "preferred" is considered vague and indefinite. What is preferred to one may not be considered preferred to another.

The recitation to "upgrade" is considered vague and indefinite as a relative term.

In claims 1, 15, 29, 44 there is claimed an improper Markush recitation. The open recitation "comprising" is inconsistent with the closed language required of a Markush recitation (i.e. "the group consisting of ...).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-9, 11-17, 19-23, 25-31, 33-37, and 39-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al

Borghesi et al discloses a method, system, and medium for evaluating line item data, including displaying at least one line item (e.g., Figures 6, 7, 9-12; column 2, line 50 et seq; column 3, line 5 et seq; column 6, line 15 et seq; column 7, line 40 et seq; column 8, line 50 et seq; column 19, line 6 et seq), selection of at least one line item from a claim handler (e.g., Figures 6, 7, 8E, 8G, 9-12; column 7, line 54 et seq; column 9, line 8 et seq; column 11, line 65 et seq; column 12, line 37 et seq; column 14, line 35 et seq; column 17, line 30 et seq; column 19, line 6 et seq; column 19, line 35 et seq), and receiving payment execution authorization (e.g., column 15, line 1 et seq), by direct payment (e.g., column 16, line 50 et seq), vendor transfer (e.g., total loss determination) (e.g., Figure 21; column 10, line 5 et seq; column 17, line 15 et seq; column 18, line 41 et seq; column 19, line 47 et seq), preauthorized payment (e.g., Figure 16; column 15, line 64 et seq; column 16, line 43 et seq), processor and memory (e.g., 26, 36) (Figure 2).

Borghesi et al also discloses receiving a direct payment amount (e.g., check) (e.g., column 16, line 50 et seq; column 18, line 52 et seq), back office communication (e.g., inherently disclosed), authorizing vendor transfer of authorized vendor database (e.g., Figures 8A-8L; column 10, line 57 et seq), upgrade availability, as broadly recited (e.g., column 10, line 5 et seq; column 14, line 23 et seq; column 18, line 33 et seq), deduction verification (e.g., column 18, line 1 et seq) line item payment authorization of receiving selection of at least one line item and form of payment, and authorizing a transaction (e.g., column 18, line 1 et seq), receiving check payment and account information (inherently disclosed) (e.g., column 16, line 50 et seq; column 18, line 52 et seq), threshold amount (e.g., Figure 7; column 10, line 5 et seq; column 10, line 29 et seq), and date range (e.g., particular accident causing damage).

Borghesi et al teaches accessing various databases of authorized vendors, displaying a list of authorized vendors that correspond with at least one line item, and accessing vendor data associated with the list of authorized vendors (col 12, lines 44-58). Each database inherently has a vendor and vendor data (including names of the vendors), and each vendor inherently is "authorized" (since it is in the computer). Borghesi et al also teaches authorizing a line item payment including selecting at least one line item, receiving the selection of a form of payment and authorizing the transaction.

Regarding claims 2-6, 8 and 51, these claims depend from a claim that recites alternative elements (claim 50), where claims 2-6, 8, and 51 further define each one of the alternative elements. Since there is shown at least one group element, the claim recitation is considered met by the reference, regardless of recitations that further defining other alternative elements.

Since the vendors are listed that is exclusive in nature, it is therefore inherent that they are "preferred".

Borghesi et al does not explicitly disclose:

receiving a selection of at least one vendor from the list of
authorized vendors; and
displaying a list of excluded vendors.

It would have been obvious to one with ordinary skill in the art to include receiving a selection of at least one vendor from the list of authorized vendors to Borghesi et al because Borghesi et al teaches that the user may use the information from a selected database to thus select a vendor (col 12 , lines 39-44).

It would have been obvious to one with ordinary skill in the art to include displaying a list of excluded vendors to Borghesi et al because Borghesi et al teaches that the list of vendors are updated to include only locations that include parts located therewith for repair puposes (col 14, lines 25-35).

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7. Claims 10, 24, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al as applied to claims 1-3, 5-9, 11-23, 25-31, 33-37, and 39-55 above, and further in view of DiRienzo et al.

Borghesi et al do not disclose electronic fund transfer.

DiRienzo et al discloses a method, system, and medium for evaluating line item data, including payment by check and electronic funds transfer (e.g., column 22, line 12 et seq). Electronic funds transfer provides a well-known equivalent means of settling claims (e.g., column 22, line 16 et seq).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for claim adjudication and settlement via electronic funds transfer, in addition to payment by check, as taught by DiRienzo et al, on the method, system, and medium of Borghesi et al for the purposes of facilitating a claim settlement (e.g., to expedite settlement).


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
September 27, 2002


**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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